

SENATE BILL 309
By Miller

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 4, Part 9, relative to postsecondary financial assistance from lottery proceeds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 4, Part 9, is amended by adding the following new sections:

§ 49-4-929.

(a) As used in this section, unless the context otherwise requires, "Tennessee national guard" means the federally recognized units of the Tennessee Army and Air National Guard.

(b) Notwithstanding any provision of this part to the contrary, a member of the Tennessee national guard who is deployed on active military duty for the United States and serves in an area defined or treated as a combat zone by the federal government in which military personnel are entitled to special military pay for duty subject to hostile fire or imminent danger shall be eligible for a Tennessee HOPE scholarship under this section, if the service member:

(1) Was a Tennessee citizen at the time of deployment on such active military duty;

(2) Served honorably or continues to serve honorably, as defined by regulations of the United States Army or the United States Air Force, as a member of the Tennessee national guard.

(3) Had not been the recipient of a Tennessee HOPE scholarship prior to deployment on such active military duty;

(4) Has not obtained a baccalaureate degree;

(5) Is not ineligible for the scholarship under § 49-4-904;

(6) Makes application for a Tennessee HOPE scholarship;

(7) Is admitted to and enrolls in an eligible postsecondary institution no later than fall semester two (2) years after the date of return from service on active military duty in a combat zone; and

(8)

(A) Had not attended a postsecondary institution that grants associate or baccalaureate degrees prior to deployment on active military duty in a combat zone, then the service member shall have:

(i) Achieved a final overall unweighted high school grade point average of at least 2.0; or

(ii) Attained a composite ACT score of at least 17 on any single ACT test date or a combined SAT score of at least 830 on any single SAT test date; or

(B) Had attended a postsecondary institution that grants associate or baccalaureate degrees prior to deployment on active military duty in a combat zone, then the service member shall have achieved a cumulative grade point average of 2.5 for all collegiate semester hours attempted.

(c) A student receiving a Tennessee HOPE scholarship under this section need not be an entering freshman, but may receive the scholarship at any point in the student's postsecondary education prior to receiving a baccalaureate degree.

(d) To continue to receive a Tennessee HOPE scholarship under this section, a student shall continue to meet all requirements for the scholarship that are applicable to the student. The student shall reapply for the scholarship upon attempting twenty-four (24), forty-eight (48), seventy-two (72), or ninety-six (96) semester hours after obtaining the HOPE scholarship, and upon attempting one hundred twenty (120) semester hours after obtaining the HOPE scholarship, if the student is enrolled in an undergraduate degree program that requires more than one hundred twenty (120) semester hours.

Eligibility shall be reviewed at the end of the semester in which the student has attempted a total of twenty-four (24), forty-eight (48), seventy-two (72), ninety-six (96), or, if applicable, one hundred twenty (120) semester hours after obtaining the HOPE scholarship. The student shall meet the academic continuation requirements of § 49-4-911 pertaining to cumulative grade point averages; except that the cumulative grade point average calculated for the continuation requirement shall be calculated using only postsecondary courses attempted after obtaining the HOPE scholarship.

(e) A student may receive a Tennessee HOPE scholarship under this section until the first of the following events:

(1) The student has earned a baccalaureate degree;

(2) The student has attempted at any postsecondary institution a total of one hundred twenty (120) semester hours or one hundred thirty-six (136) semester hours, if the student is enrolled in an undergraduate degree program required to be more than one hundred twenty (120) semester hours. Only semester hours attempted after receiving the Tennessee HOPE scholarship shall count towards the total semester hours attempted; or

(3) Five (5) years have passed from the date of the student's enrollment in an eligible postsecondary institution after receiving the Tennessee HOPE scholarship.

(f) If a student eligible for a Tennessee HOPE scholarship under this section attends an eligible postsecondary institution and receives tuition assistance under title 49, chapter 4, part 10, then, notwithstanding any provision of this part to the contrary, such scholarship may be used for the cost of room and board, which shall not exceed the maximum cost of room and board provided through the facilities of the eligible public postsecondary institution.

§ 49-4-930.

(a) As used in this section, unless the context otherwise requires:

(1) "Dependent child" means a natural or adopted child or stepchild of a member of the Tennessee national guard who is under twenty-four (24) years

and whom such member claims as a dependent for federal income tax purposes at the time the member is deployed on active military duty for the United States to an area defined or treated as a combat zone by the federal government in which military personnel are entitled to special military pay for duty subject to hostile fire or imminent danger;

(2) "Member" means an active member or former member of a federally recognized unit of the Tennessee national guard who is maintaining or who maintained satisfactory membership as defined by regulations of the United States Army or the United States Air Force; and

(3) "Tennessee national guard" means the federally recognized units of the Tennessee Army and Air National Guard.

(b) Notwithstanding any provision of this part to the contrary, a dependent child, whose parent is a Tennessee citizen and a member of the Tennessee national guard who is called into active military duty and deployed and serves in an area defined or treated as a combat zone by the federal government in which military personnel are entitled to special military pay for duty subject to hostile fire or imminent danger, shall be eligible for a Tennessee HOPE scholarship under this section, if the dependent child:

(1) Was a Tennessee citizen at the time of the parent's deployment on active military duty;

(2) Had not been the recipient of a Tennessee HOPE scholarship prior to the parent's deployment on active military duty;

(3) Has not obtained a baccalaureate degree;

(4) Is not ineligible for the scholarship under § 49-4-904;

(5) Makes application for a Tennessee HOPE scholarship;

(6) Is a Tennessee resident at the time of application for the Tennessee HOPE scholarship;

(7) Is admitted to and enrolls in an eligible postsecondary institution not later than fall semester two (2) years after the date of the parent's return from service on active military duty in a combat zone; and

(8)

(A) Had not attended a postsecondary institution that grants associate or baccalaureate degrees prior to the parent's deployment on active military duty in a combat zone, then the dependent child shall have

(i) Achieved a final overall unweighted high school grade point average of at least 2.0; or

(ii) Attained a composite ACT score of at least 17 on any single ACT test date or a combined SAT score of at least 830 on any single SAT test date; or

(B) Had attended a postsecondary institution that grants associate or baccalaureate degrees prior to the parent's deployment on active military duty in a combat zone, then the dependent child shall have achieved a cumulative grade point average of 2.5 for all collegiate semester hours attempted.

(b) A student receiving a Tennessee HOPE scholarship under this section need not be an entering freshman, but may receive the scholarship at any point in the student's postsecondary education prior to receiving a baccalaureate degree.

(c) To continue to receive a Tennessee HOPE scholarship under this section, a student shall continue to meet all requirements for the scholarship that are applicable to the student. The student shall reapply for the scholarship upon attempting twenty-four (24), forty-eight (48), seventy-two (72), or ninety-six (96) semester hours after obtaining the HOPE scholarship, and upon attempting one hundred twenty (120) semester hours after obtaining the HOPE scholarship, if the student is enrolled in an undergraduate degree program that requires more than one hundred twenty (120) semester hours. Eligibility shall be reviewed at the end of the semester in which the student has attempted a total of twenty-four (24), forty-eight (48), seventy-two (72), ninety-six (96) semester hours, or, if applicable, one hundred twenty (120) semester hours after obtaining the HOPE scholarship. The student shall meet the academic continuation requirements of § 49-4-911 pertaining to cumulative grade point averages; except that

the cumulative grade point average calculated for the continuation requirement shall be calculated using only postsecondary courses attempted after obtaining the HOPE scholarship.

(d) A student may receive a Tennessee HOPE scholarship under this section until the first of the following events:

(1) The student has earned a baccalaureate degree;

(2) The student has attempted at any postsecondary institution a total of one hundred twenty (120) semester hours or one hundred thirty-six (136) semester hours, if the student is enrolled in an undergraduate degree program required to be more than one hundred twenty (120) semester hours. Only semester hours attempted after receiving the Tennessee HOPE scholarship shall count towards the total semester hours attempted; or

(3) Five (5) years have passed from the date of the student's enrollment in an eligible postsecondary institution after receiving the Tennessee HOPE scholarship.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to students seeking postsecondary financial assistance from lottery proceeds for the 2005-2006 academic year and thereafter.